

Committee : Licensing Sub-Committee	Date	Classification Unclassified	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Carwash), 1 Quaker Street, London E1 6SZ Ward affected: Weavers
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1.0 Summary

Applicant:	Damon Borley
Name and Address of Premises:	(Carwash) 1 Quaker Street London E1 6SZ
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none"> The sale by retail of alcohol (on sales only)
Representations:	Environmental Protection Licensing Authority Other persons (residents)

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and representations then adjudicate accordingly.

LOCAL GOVERNMENT 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"> Guidance Issued under Section 182 of the Licensing Act 2003 Tower Hamlets Licensing Policy File 		Mohshin Ali 020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Carwash), 1 Quaker Street, London E1 6SZ.

3.2 The applicant has described the premises as:
“The venue will be mostly used for promotional activities, community, and arts events...”

3.3 A copy of the premises licence application form is enclosed as **Appendix 1**. The licensable activities and timings that have been applied for are as follows:

The sale by retail of alcohol (On and off sales)

- *Monday to Sunday, from 11:00 hrs to 23:00 hrs*

Hours premises are open to the public

- *Monday to Sunday, from 11:00 hrs to 23:00 hrs*

4.0 **Location and Nature of the premises**

4.1 The site plan of the venue is included as **Appendix 2**.

4.2 Maps showing the vicinity are included as **Appendix 3**.

4.3 Details of the nearest licensed venues are included as **Appendix 4**.

5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2023.

5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in August 2023.

5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government’s advice, or has developed it further.

6.0 **Representations**

6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When

rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations (objectors) have been made by the following resident and responsible authorities:

Environmental Protection	Appendix 6
Licensing Authority (RA)	Appendix 7
Alan Williams	Appendix 8
Christopher Lloyd	Appendix 9
Christine Whaite	Appendix 10
Peter Bellerby	Appendix 11
Randall Thiel (SPIRE)	Appendix 12
Susan Kay	Appendix 13

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
 - The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Environmental Protection (Noise)
 - Trading Standards
 - Child Protection
 - Public Health

- Home Secretary (Home Office Immigration Enforcement)

6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

6.11 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the licensing objective of the prevention of crime and disorder and the prevention of public nuisance.

6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule (offered by the applicant)

7.1 *All employees will complete a training module prior to being given permission to sell alcohol, which will include essential training in licensing law, details of the mandatory and specific conditions of this Premises Licence, and the premises age verification policy.*

7.2 *Following the training module, and permission given to sell alcohol, employees will sign that they have received and understood the training, with records kept for at least one year, and their knowledge and understanding will be refreshed on an annual basis.*

7.3 *An incident log shall be kept at the premises, and made available on request to a police officer, police licensing officer or Council authorised licensing officer. It must be completed within 24 hours of any incident and will record the following:*

7.4 *Any complaints received concerning public nuisance, crime or disorder*

- a) Any incidents of disorder*
- b) Any faults in the CCTV system*
- c) Any refusal of the sale of alcohol*
- d) Any visit by a relevant authority or emergency service*
- e) Any crimes reported to the venue*

- 7.5 *The incident log will be kept on a rolling 12 month basis and made available upon reasonable request by an officer of a relevant authority.*
- 7.6 *A properly specified and fully operational CCTV recording system shall be installed, operated and maintained.*
- 7.7 *The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises.*
- 7.8 *The CCTV system shall be in operation at the premises at all times when the premises are used for the provision of licensable activity.*
- 7.9 *All CCTV recordings shall be securely stored for a minimum of one calendar month.*
- 7.10 *A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.*
- 7.11 *Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.*
- 7.12 *A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months. The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include, but not be limited to, complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises and all refusals to sell alcohol. The register shall be readily available for inspection by an authorised person upon reasonable request.*
- 7.13 *Super-strength lagers, beers and/or ciders, i.e. those with an ABV of 6.5% or higher, shall not be sold at the premises.*
- 7.14 *The premises licence holder shall uphold a zero-tolerance policy in relation to illegal drugs.*
- 7.15 *Any person entering the premises who appears to be under the influence of alcohol or illegal drugs shall, in the interests of other members of the public using the premises, be requested to leave the premises.*
- 7.16 *Alcohol will only be sold for consumption off the premises in sealed containers.*
- 7.17 *The provision of door supervisors on the premises shall be risk assessed. A copy of the risk assessment shall be kept on the premises*

and made available for inspection by the Police and authorised officers of other responsible authorities on request.

- 7.18 *The risk assessment shall be reviewed and updated at least once every 12 months.*
- 7.19 *Where door supervisors are employed on the premises the following conditions will apply:*
- a) *The licensed door supervisors shall be employed solely for vetting, regulating, controlling and supervising patrons whilst entering and whilst on the premises and to ensure the maintenance of good order, public safety and internal security.*
 - b) *A register shall be kept at the premises to record the details of the door supervisors, the number of persons on the premises and any incidents. The register shall be produced to authorised officers of the Council and Police upon request.*
 - c) *The register shall contain the following details:*
 - 7.19.c.1. *Full SIA registration number*
 - 7.19.c.2. *Date and time that the Door Supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager.*
 - 7.19.c.3. *Date and time that the Door Supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager.*
 - 7.19.c.4. *Any occurrence or incident of interest involving crime and disorder or public safety must be recorded giving names of the Door Supervisor involved.*
- 7.20 *All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.*
- 7.21 *The premises licence holder shall ensure that a suitable fire risk assessment and emergency plan is in place at all times.*
- 7.22 *Regular checks and maintenance shall be carried out on all equipment, electrical installations, emergency lighting and fire alarms and equipment to ensure their continued safe operation. A written record of these checks shall be kept and made available to an authorised officer of the licensing authority.*
- 7.23 *An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.*
- 7.24 *Regular checks and maintenance shall be carried out on all equipment, electrical installations, emergency lighting and fire alarms and equipment to ensure their continued safe operation. A written record of these*

checks shall be kept and made available to an authorised officer of the licensing authority.

- 7.25 *The premises licence holder shall ensure that an electrical compliance check is made at least once a year.*
- 7.26 *Drinks shall be served in containers made from toughened glass/polycarbonate.*
- 7.27 *Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 19:00 and 07:00.*
- 7.28 *Patrons smoking outside the premises shall be monitored regularly to ensure the potential for noise nuisance is controlled.*
- 7.29 *The premises' frontage shall be regularly monitored to keep it clean and clear of litter.*
- 7.30 *Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises' exit.*
- 7.31 *No person shall be allowed to leave the premises whilst in the possession of any open drinking vessel or open glass bottle, whether empty or containing any beverage.*
- 7.32 *Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are the following recognised photographic identification cards:*
- a) a driving licence,*
 - b) a passport,*
 - c) a military identification card or a Proof of Age card carrying a 'PASS' logo.*
- 7.33 *Notices advertising that the premises operates a "Challenge 25" scheme shall be displayed in a clear and prominent position at the premises entrance.*
- 7.34 *All occasions when persons have been refused service shall be recorded in the premises daily register.*
- 7.35 *There shall be no children unaccompanied by a responsible adult on the premises at any time.*
- 7.36 *The premise licence holder or Designated Premises Supervisor to ensure that all management and staff who are not personal licence holders are fully trained and briefed on the four licensing objectives and Challenge 25 and they are adhered to.*

8.0 Conditions in consultation with the Responsible Authorities

8.1 Conditions agreed with Met Police Licensing (**Appendix 14**)

1. *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.*
2. *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*
3. *An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:*
 - a) *all crimes reported to the venue;*
 - b) *all ejections of patrons;*
 - c) *any complaints received concerning crime and disorder*
 - d) *any incidents of disorder;*
 - e) *all seizures of drugs or offensive weapons;*
 - f) *any faults in the CCTV system, searching equipment or scanning equipment;*
 - g) *any refusal of the sale of alcohol;*
 - h) *any visit by a relevant authority or emergency service.*
4. *In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:*
 - a) *the police (and, where appropriate, the London Ambulance Service) are called without delay;*
 - b) *all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;*
 - c) *the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and*
 - d) *such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.*
5. *A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*

6. *A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record must show the outcome of the person who was intoxicated. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.*
7. *A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.*
8. *The premises shall risk assess all events taking place at the venue. The assessment shall look at all potential risks including but not limited to violence, intoxication, underage drinking and drug use. This assessment shall be written down and stored for 1 year and made available to Police upon request.*
9. *The premises must have a detailed documented security plan, that must include an ejections policy, search policy, anti-theft policy, and SIA numbers, The security plan will be made available to police upon request.*

9.0 Licensing Officer Comments

- 9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 31st March 2025 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;
- had a variation of a premises licence seeking permission for off sales refused
- had a variation seeking to exclude off sales permission granted
- had a premises licence varied or modified by a review hearing to exclude off sales.

- 9.2 The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at

<https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>

- 9.3 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
 - unamplified live music between 8am and 11pm in all venues.
 - Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.
- 9.4 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 9.5 Guidance issued under section 182 of the Licensing Act 2003
- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
 - ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
 - ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)

- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.6 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.7 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.8 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.9 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

9.10 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

9.11 In **Appendices 15 – 20** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

10.1 The Council's legal officer will give advice at the hearing.

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Home Office concerning relevant, vexatious and frivolous representations
Appendix 6	Representation of Environmental Protection
Appendix 7	Representation of Licensing Authority (RA)
Appendices 8 - 13 Representations other persons	
Appendix 14	Representation of Metropolitan Police Licensing
Appendix 15	Licensing Officer comments on noise while the premise is in use
Appendix 16	Licensing Officer comments on access/egress Problems
Appendix 17	Licensing Officer comments on crime and disorder on the premises
Appendix 18	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 19	Planning
Appendix 20	Licensing Policy relating to hours of trading
Appendix 21	Tower Hamlets Cumulative Impact Zone